

Practitioner's Docket No. 17396/09015

TFW
1616
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Maurice R. De Billot, et al.

Application No.: 10/026,301

Group No.: 1616

Filed: 12/19/2001

Examiner: S. Mark Clardy

Confirmation No.: 8087

For: METHOD OF IMPROVING YIELD AND
VIGOR OF PLANTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that the attached correspondence, comprising of:

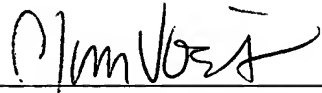
1. Response and Amendment Under 37 CFR §1.111 Transmittal (2 pages)
2. Response and Amendment Under 37 CFR §1.111 (34 pages)
3. Return Receipt Postcard,

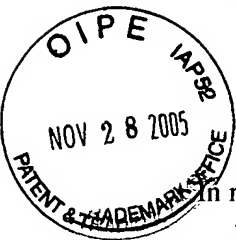
is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on November 22, 2005.

Mim Voet


Signature of person mailing paper



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Maurice R. De Billot, et al.

Application No.: 10/026,301

Group No.: 1616

Filed: December 19, 2001

Examiner: S. Mark Clardy

Confirmation No.: 8087

For: METHOD OF IMPROVING YIELD AND VIGOR OF PLANTS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT UNDER TO 37 C.F.R. §1.111
TRANSMITTAL

1. Transmitted herewith is a Response and Amendment Under 37 C.F.R. §1.111 for this application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using *Express Mail*, the *Express Mail* label number is **mandatory**;
Express Mail certification is **optional**.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

■ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

■ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

□ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

□ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____.

Date: November 22, 2005

Signature

Mirna Lopez

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

STATUS

2. Applicants are other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA				RATE	ADDIT. FEE	
TOTAL	43	—	75	=	0	x	\$ 50.00	=	\$ 0.00
INDEP.	3	—	9	=	0	x	\$ 200.00	=	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+	\$ 0.00	=	\$ 0.00
TOTAL ADDIT. FEE								\$	0.00

No additional fee for claims is required.

FEE DEFICIENCY

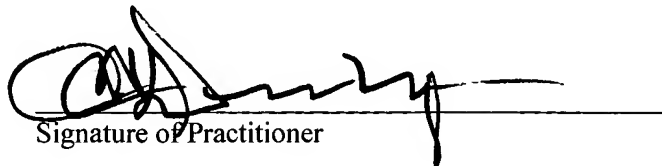
5. If an extension and/or fee is required, charge Deposit Account No. 50-2548.

If a fee for claims is required, charge Deposit Account No. 50-2548.

Date: November 22, 2005

Reg. No.: 35,124

Telephone No.: 864-250-2238
Facsimile No.: 803-255-9831
Customer No. 45850


Signature of Practitioner

Charles E. Dunlap, Ph.D., Esq.

Nelson Mullins Riley & Scarborough LLP
1320 Main Street, 17th Floor
Columbia, SC 29201



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 10/026,301 CONFIRMATION NO. 8087
APPLICANT : De Billot *et al.*
FILED: : December 19, 2001
TC/A.U. : 1616
EXAMINER : S. Mark Clardy
DOCKET NO. : 17396/09015
CUSTOMER NO. : n/a

RESPONSE AND AMENDMENT UNDER 37 CFR §1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Office Action of August 29, 2005, and is intended to address each and every issue that was raised in the Action. It is also being filed after a telephone interview with the Examiner on November 8, 2005, the courtesy of which is very much appreciated.

It is believed to be timely with respect to the shortened statutory period for response that was set in the Action.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the claims are shown in the listing of the claims that begins on page 3 of this paper.

There are no **Amendments to the Drawings**.

Remarks/Arguments begin on page 32 of this paper.